

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROBERT WILLIS,

Plaintiff

vs.

KROGER, et al.,

Defendants.

Case No. 1:15-cv-95

Beckwith, J.  
Bowman, M.J.

**ORDER**

**REPORT AND RECOMMENDATION**

On February 9, 2015, Plaintiff filed the instant complaint in this action. (Doc. 1). On February 18, 2015, the Court issued a Deficiency Order ordering Plaintiff to pay the filing fee or to submit to the Court an *in forma pauperis* application. (Doc. 2). Plaintiff was advised that failure to comply with the Order would result in dismissal of his case for want of prosecution. *Id.* To date, more than thirty days after the Court's February 18, 2015 Deficiency Order, Plaintiff has failed to pay the filing fee or file an *in forma pauperis* application in this matter.

"District courts have the inherent power to sua sponte dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). *See also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). Failure of a party to respond to an order of the court warrants invocation of the Court's inherent power. *See* Fed. R. Civ. P. 41(b). Here, Plaintiff's failure to comply with the Deficiency Order issued on February 18, 2015 warrants dismissal.

Accordingly, for these reasons, it is therefore **RECOMMENDED** this action be **DISMISSED** with **PREJUDICE** for lack of prosecution. It is further **RECOMMENDED** that the Court certify pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith and therefore deny Plaintiff leave to appeal *in forma pauperis*.

s/ Stephanie K. Bowman  
Stephanie K. Bowman  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation ("R&R") within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).